

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Bonnie Mink

v.

Case No. 05-cv-408-PB

East Coast Lumber

O R D E R

Re: Document No. 10, Motion to Remand to State Court

Ruling: The defendant, as the removing party, bears the burden of demonstrating that the amount in controversy requirement has been satisfied. Kivikovski v. Smart Professional Photocopying Corporation, 2001DNH043. Defendant's references to a disputed telephone conversation concerning settlement and a nonspecific statement that an award of attorney's fees will satisfy the jurisdictional amount are not sufficient to meet this burden. Motion granted.

/s/ Paul Barbadoro
Paul Barbadoro
United States District Judge

Date: December 26, 2005

cc: Brian Stern, Esq.
Edwinna Vanderzanden, Esq.